



STORAGE NAME: h0877.CLAM

DATE: February 8, 2006

**Florida House of Representatives
Committee on Claims
Summary Claim Bill Report**

Bill #: HB 877
Sponsor: Rep. Seiler
Companion Bill: SB 60 by Sen. Fasano
Special Master: Stephanie Birtman

Basic Information:

Claimants: Megan Jurgrau, a minor, and Sharon Jurgrau as mother of Megan and wife of Mark Jurgrau, deceased

Respondent: South Broward Hospital District (hospital district)

Amount Requested: \$500,000

Type of Claim: Equitable, based on a settlement agreement.

Respondent's Position: Supports the passage of the bill.

Collateral Sources: Claimants received \$200,000 from the insurance company of the late Dr. Thomas Jacob. Claims against Dr. Rosenbloom and Dr. Perryman were dropped.

Attorney's Fees: Claimant's attorney has submitted an affidavit certifying that attorney's fees are limited in accordance with s. 768.28(8), F.S. Outstanding costs are \$2,749.28. Lobbying fees are reported to be 5% of the award, to be paid in addition to the attorney's fees.

Prior Legislative History: HB 1359 (2004) was filed by Rep. Seiler. The bill died in the subcommittee on claims as it did not have a timely filed Senate companion as required by Senate Rule 4.81.

HB 705 (2005) was filed again by Rep. Seiler, and died on the House calendar. SB 18 (2005) by Sen. Fasano was never considered by any Senate committee.

Procedural Summary: A wrongful death complaint was filed by Sharon Jurgrau as personal representative of the estate of Mark Jurgrau, deceased, in the Circuit Court for the 17th Judicial Circuit in and for Broward County, Florida. The complaint was filed on March 21, 2002, and named Dr. Rosenbloom, the estate of Dr. Jacob, Dr. Perryman, Nurse Kater, and the South Broward Hospital District as defendants. Doctors Rosenbloom and Perryman were released from the suit, as further discovery indicated no negligence on their part. Dr. Jacob's estate settled for \$200,000. As an employee of the hospital district, Nurse Kater's negligence is attributable to the hospital district. Prior to trial, the parties agreed to the entry of a consent final judgment wherein the hospital district agreed to pay Sharon Jurgrau a total of \$700,000, and support passage of the instant claim bill. \$200,000 has already been paid pursuant to the statutory limit. A guardian ad litem has reported that the proper distribution of the funds is 25% to the minor, Megan, to be deposited into her guardianship account. Sharon Jurgrau is the plenary guardian.

Facts of Case: In the summer of 1999, Mark Jurgrau, then a 38 year-old architect, was playing basketball when he became short of breath. Routine tests indicated that he needed to have his aortic valve replaced with part of his own pulmonic valve – the Ross procedure. The operation was performed ably and correctly. After the surgery he bled internally, a common risk. However, the nurse in charge of his post-operative care, Nurse Kater, failed to recognize clear symptoms of internal bleeding (progressive anemia, progressive bleeding into chest, difficulty breathing, decreased oxygen saturation, dizziness, progressive weight gain, inability to urinate) and instead diagnosed him over the phone as having a panic attack and prescribed Xanax. He died in the hospital of undiagnosed internal bleeding. Experts reported that his death was unnecessary and unreasonable.

SM: _____ SD: _____ Date: _____
Stephanie O. Birtman Stephanie O. Birtman